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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * *

6 CARLOS RICHARD LECROY,

Case No. 3:24-cv-00272-MMD-CSD

7 Plaintiff,

ORDER

8 v.

9 VA SIERRA NEVADA HEALTH CARE
SYSTEM,10 Defendant.
11

12 *Pro se* Plaintiff Carlos Richard LeCroy seeks to assert a medical malpractice claim
13 against Defendant VA Sierra Nevada Healthcare System related to care he received in
14 May 2023. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”)
15 of United States Magistrate Judge Craig S. Denney (ECF No. 6), recommending the Court
16 grant LeCroy’s application to proceed *in forma pauperis* but also recommending the Court
17 dismiss this case because LeCroy must first present his claim to the Department of
18 Veterans Affairs (“VA”). To date, no objections to the R&R have been filed. Because there
19 is no objection, and as further explained below, the Court will adopt the R&R.

20 Because there is no objection, the Court need not conduct *de novo* review, and is
21 satisfied that Judge Weksler did not clearly err. *See United States v. Reyna-Tapia*, 328
22 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
23 recommendations is required if, but *only* if, one or both parties file objections to the
24 findings and recommendations.” (emphasis in original)). Judge Denney correctly found
25 that LeCroy must first exhaust his administrative remedies with the VA. (ECF No. 6.)
26 Having reviewed the R&R, Judge Denney did not clearly err.

27 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
28 No. 6) is accepted and adopted in full.

1 It is further ordered that LeCroy's application to proceed *in forma pauperis* (ECF
2 No. 4) is granted. Plaintiff is permitted to maintain this action without prepaying the filing
3 fee.

4 The Clerk of Court is directed to file a copy of the Complaint (ECF No. 1-1).

5 It is further ordered that this case is dismissed, in its entirety, without prejudice so
6 that LeCroy may exhaust his administrative remedies with the VA.

7 The Clerk of Court is directed to close this case.

8 DATED THIS 7th Day of October 2024.

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MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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